

State Board of Education
March 17, 2009
Item J

Team: Legal Team; Student Support; Educator Quality

Discussion Topic: SQS Rule 2120.8.5 (b) – School Nurse

Statutory Authority: 16 V.S.A. 165 (a) (3); State Board Rule 2120.8.5

Background Information:

Presently, State Board Rule 2120.8.5, a copy of which is attached, requires that each school have one full time equivalent (FTE) school nurse for every 500 students or fraction thereof. For purposes of educator licensing requirements, a school nurse must be endorsed either as a “School Nurse” (requiring, basically, an RN and a *Bachelor’s* Degree) or as an “Associate School Nurse” (requiring, basically, an RN and an *Associate’s* Degree). From an educator licensing standpoint, these two types of endorsement are interchangeable, but from the standpoint of “standards of practice,” there are differences.

The creation of the Associate School Nurse endorsement occurred in 2003, and was met with some degree of opposition, in that the lowering of the minimum educational requirement was perceived by some as potentially affecting the quality of the resulting services.

Interestingly, the nationally accepted minimum student/school nurse ratio appears to be 750:1, as opposed to Vermont’s more stringent 500:1 ratio, and national data from 2007 indicate that Vermont enjoys the “best” student/school nurse ratio in the country (441:1). The ratio in some states is several *thousand* to 1.

It is reported that there are Vermont schools in which the required ratios are *not* being maintained. The bulk of these situations are reported to exist in schools which have student populations in excess of 500. For example, a school which has 900 students may have a full-time RN and a .8 FTE (4 days per week) LPN.

In understanding the manner in which Vermont’s low-density population and resulting small schools impact the deployment of school nurses, consider Grand Isle Supervisory Union (GISU). GISU has five schools (four K-8s and one K-6), which have 690 students in the aggregate. GISU must therefore have 1.38 FTE school nurses. The average GISU school therefore has a 0.276 FTE school nurse...roughly one day per week. This refutes a common public misconception that all schools have an on-site school nurse at all times when school is in session.

In 2007, the DOE convened a stakeholder meeting to consider the adoption of a revised standard which would permit schools with more than 500 students to satisfy the school nurse requirement by using LPNs after they had satisfied the first full-time RN requirement. A copy of the draft proposal which was discussed at that time is attached. That proposal received mixed reactions, with the Vermont Department of Health reacting the most negatively, citing statistics which indicate an increase in the incidence of students with chronic health problems. Following the stakeholder meeting, the idea was tabled.

The compensation package of an average RN is roughly \$20,000 more than that of an average LPN, and as such, it was projected that the revised standard would save the state \$562,000 per year.

Purpose of Discussion: To review current requirements and pose the question as to whether or not changes should be made to the current Rule.

Cost Implications:

Monetary Resources	TBD
Staff Resources	TBD

Commissioner's Recommendation:

Staff Available: Armando Vilaseca; Mark Oettinger; Karin Edwards; Marta Cambra

Current SQS Rules – Adopted January 2006

2120.8.5 Health Services

(a) Health services, including health appraisal, counseling, communicable disease control, and emergency and first aid care, shall be made available in a confidential manner students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures which shall be developed in collaboration with parents and community health resources. The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act (20 U.S.C. § 1232h, as amended from time to time).

(b) Each school shall engage the services of a person licensed as a School Nurse or Associate School Nurse and shall specify in writing his or her duties. There shall be no more than 500 students per school nurse. Schools with fewer than 500 students shall employ a nurse at least proportionate to the ratio of the number of students to 500. Notwithstanding the ratios set forth above, a school shall provide for sufficient coverage by a School Nurse or an Associate School Nurse to develop individual health care plans (IHPs), train staff on the implementation of IHPs, and ensure appropriate administration of medication.

Changes discussed in 2007 and tabled:

2120.8.5 Health Services

(a) Health services, including health appraisal, counseling, communicable disease control, and emergency and first aid care, shall be made available in a confidential manner students in each school. These health services shall be delivered in accordance with the school district's written policies and procedures which shall be developed in collaboration with parents and community health resources. The school shall comply with requirements of state law relative to vision and hearing screening, immunization, and child abuse reporting, and federal law relating to invasive physical examinations in accordance with the Protection of Pupil Rights Act (20 U.S.C. §1232h, as amended from time to time).

(b) Each school shall engage the services of a person licensed as a School Nurse or Associate School Nurse and shall specify in writing his or her duties. In the case of schools with 500 students or fewer, there shall be no more than 500 students per school nurse or associate school nurse. Schools with fewer than 500 students shall employ a school nurse or associate school nurse at least proportionate to the ratio of the number of students to 500. In the case of schools with more than 500 students, and only to the extent that the student count exceeds 500, the health services which are required to be provided pursuant to this rule may be provided either through a school nurse, through an associate school nurse, or through a licensed practical nurse, again at a minimum ration of 500:1. In no case, however, shall health services be provided by a licensed practical nurse in contravention of state or federal statute or granulation regarding scope of nursing practice. Notwithstanding the ratios set forth above, a school shall provide for sufficient coverage by a School Nurse or an Associate School Nurse to develop individual health care plans (IHPs), train staff on the implementation of IHPs, and ensure appropriate administration of medication.

(c) Each school shall have on its premises, during all hours of operation, at least one individual who is trained and currently certified in first aid emergency care. The minimum levels of training which will satisfy this requirement are those of First Responder/Emergency Care Attendant (FR/ECA), plus training in professional level adult, child and infant cardiopulmonary resuscitation (CPR), treatment of adult, child and infant choking, and use of an automatic external defibrillator (AED). In addition, each school shall have a readily-accessible and fully operational AED on premises at all times.